



Appeal Decision

Site visit made on 18 July 2023 by S Wilson LL.B. MSc MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 October 2023

Appeal Ref: APP/G5180/D/23/3319730

95 Cudham Lane North, Orpington, Kent BR6 6BY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Dave and Meredith Baptiste against the decision of the Council of the London Borough of Bromley.
 - The application Ref 22/04539/FULL6, dated 19 September 2022, was refused by notice dated 28 March 2023.
 - The development proposed is a part two storey and single storey rear extension.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. The above description has been taken from the planning application form although the plans clearly show the proposed development as a first floor rear element only. This is confirmed by the description on the decision notice. I have considered the appeal scheme accordingly.

Main Issues

4. The main issues are a) whether the proposed development would be inappropriate development in the Green Belt; b) the effect of the proposed development on the openness of the Green Belt; and c) whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons for the Recommendation

Inappropriate Development

5. The National Planning Policy Framework 2023 (the Framework) sets out, in regard to Green Belts, that their essential characteristics are openness and permanence. There is a general presumption against inappropriate development in the Green Belt unless very special circumstances exist. The construction of new buildings should be regarded as inappropriate, but for certain defined exceptions. These are first set out by Paragraph 149. Specifically, and in regard to the appeal scheme, the extension or alteration of

a building provided that it does not result in disproportionate additions over and above the size of the original building might not be inappropriate development. This language is mirrored in Policy 49 of the Bromley Local Plan 2019 (LP). The term 'original building' is defined in the Framework as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.

6. Policy 51 sets out, amongst other things, that extensions or alterations to dwellings in the Green Belt will only be permitted if the net increase in the floor area over that of the original is no more than 10%, as ascertained by external measurement.
7. The evidence suggests that the proposed development would result in an 8.2% (11 sqm) increase in the floor area over the existing situation although it is equally clear that the building has grown from what it was originally, and it is this to which Policy 51 refers. Floor area is two dimensional and is different to floor space, which can mean the sum total of multiple floors taken together. It is patently different to volume. The floor area would therefore be the footprint of the house. As it was originally for the purposes of Green Belt assessment. Taking into account what seems to be the consensus of what the original dwelling was, it strikes me that the floor area of the extended dwelling, before the appeal scheme and on visual inspection, comfortably exceeds the 10% restriction. Any new floor area would thus, no matter how small, likely fall foul of the restrictions of Policy 51.
8. That said, and in being purely a first floor extension, the appeal scheme would not introduce any new floor area. One could legitimately argue therefore that there would be some compliance with the development plan when considering the proposed development in isolation. Even so, Policy 49 follows the Framework in explaining that new buildings will be inappropriate unless, amongst other things, it is for the extension or alteration of a building that does not result in disproportionate additions over and above the size of the original building. When taking into account substantial extensions that have gone before, and the appeal scheme, it would be reasonable to conclude that the appeal scheme would result in such both qualitatively and quantitatively.
9. With this in mind, the proposed development would be inappropriate development in the Green Belt, contrary to Policy 49 of the LP and the Green Belt provisions of the Framework. Their specifics and aims as I have set them out above.

Openness

10. The Framework indicates that openness is an essential characteristic of the Green Belt with a fundamental aim of Green Belt policy being to prevent urban sprawl and keep land permanently open. There are two aspects to openness. These are spatial and visual. The former being taken to mean the absence of built form.
11. Whilst the proposals would not involve additional floor area, they would nevertheless include built form (in terms of location and overall size) where it was not before. Whilst being to the rear of the dwelling the scheme's effect on the visual aspect of the Green Belt's openness might be limited, there would be an unavoidable reduction in its spatial aspect. This would be harmful to the

Green Belt. This harm would be as well as the inappropriateness of the proposals and further conflict with the Green Belt provisions of the Framework.

Other Considerations

12. The additional space is required for family member(s) who suffer from sleep disorders albeit there is very little evidence as to what this means in a requirement for more bedroom space. It is also unclear as to whether it could be provided in a different way. It seems that the family is struggling with space at the existing building but equally there is no compelling evidence as to why the additional space needs to be provided at the appeal building and not elsewhere. These matters would be worthy of some weight but, for the reasons I have set out, it would be limited.
13. I agree that the appeal scheme, in isolation, would not be significant but as I have explained, Green Belt Policy safeguards against cumulative additions in the interests of openness. This and the fact that the proposed development would use materials in keeping with the area would attract limited weight. The latter point in any case being a lack of harm rather than weighing in favour of the appeal scheme.
14. I am aware of the granted of a Lawful Development Certificate (LDC) at 87 Cudham road. This fell to be determined on legal grounds which is different to the appeal scheme which has been considered on planning merits with regard to the development plan and material considerations. The two situations are not therefore sufficiently similar for more than limited weight to be attributed to the LDC.

Conclusion and Recommendation

15. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. There would be further harm to the Green Belt in terms of a reduction in its openness.
16. I have explored the other considerations raised but given the weight they would attract, set against the substantial weight that should be ascribed to any harm to the Green Belt, makes it evident that they would not be capable of clearly outweighing said harms. The very special circumstances needed to justify the proposals do not therefore exist. This and the conflict with the development plan that would arise from the proposed development, in the absence of any sufficiently weighty material considerations to indicate to the contrary, leads me to recommend the appeal be dismissed.

S Wilson

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

John Morrison

INSPECTOR